

By: Miles

S.B. No. 185

A BILL TO BE ENTITLED

AN ACT

relating to the response to certain oil or gas well accidents by state agencies and responsible parties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 91, Natural Resources Code, is amended by adding Sections 91.118, 91.119, and 91.120 to read as follows:

Sec. 91.118. NOTICE TO COMMISSION OF WELL FIRE, LEAK, SPILL, OR BREAK. (a) An operator of an oil or gas well shall:

(1) give immediate notice of a fire, leak, spill, or break at the well to the appropriate commission oil and gas division district office; and

(2) submit to the commission a letter giving a full description of the event, including the volume of crude oil, gas, or other well liquids or gases lost.

(b) This section does not limit the authority of the commission to require other types of notice from operators.

Sec. 91.119. WELL BLOWOUT EMERGENCY ALERT SYSTEM. (a) In this section, "state emergency response commission" means the state emergency management council or other committee appointed by the governor in accordance with the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. Section 11001 et seq.).

(b) The commission and the Texas Commission on Environmental Quality shall jointly develop an emergency alert

1 system to notify the public of the uncontrolled release from an oil
2 or gas well of a substance that will substantially endanger human
3 health or the environment. The commission and the Texas Commission
4 on Environmental Quality shall consult with the state emergency
5 response commission in developing the system.

6 (c) If the commission or the Texas Commission on
7 Environmental Quality determines that an uncontrolled release of a
8 substance from an oil or gas well will substantially endanger human
9 health or the environment, that agency shall, not later than 30
10 minutes after making the determination, notify persons in the area
11 in which the well is located of the release using the alert system.
12 When the agency determines a release is no longer a threat to human
13 health or the environment, the agency shall notify persons using
14 the alert system.

15 (d) In developing the alert system, the commission and the
16 Texas Commission on Environmental Quality may use as a model the
17 alert systems established by Subchapter L, Chapter 411, Government
18 Code, and Section 51.854, Water Code.

19 (e) The alert system must:

20 (1) allow a person to register for a preferred method
21 of receiving a message under the alert system and allow a person the
22 option of not receiving the alerts;

23 (2) provide notification through reverse 9-1-1 calls,
24 text messages, e-mails, social media, and other instant messaging
25 systems; and

26 (3) allow the state agency providing the notification
27 to modify the notification based on:

1 (A) the distance of the release to the person
2 receiving the notification; and

3 (B) the projected movement of the release.

4 (f) An alert issued by the alert system must include:

5 (1) each area affected by the release, including a
6 geographic display of the severity of the threat posed by the
7 release;

8 (2) a link to an Internet website or other message
9 system that maintains current information on each affected area;

10 (3) a link to an Internet website or other message
11 system that describes a symptom of any illness caused by the release
12 that may require emergency medical treatment;

13 (4) the chemicals involved in and toxicity of the
14 release;

15 (5) the projected movement of the release; and

16 (6) instructions for protection from exposure to the
17 release or for reducing exposure to the release.

18 Sec. 91.120. APPLICATION FOR PERMIT FOR WELL ADJACENT TO
19 WELL BLOWOUT SITE. (a) In the case of a conflict between this
20 section and Section 91.114, this section controls.

21 (b) Except as provided by Subsection (e), the commission may
22 not approve an application for a permit to drill an oil or gas well
23 if:

24 (1) the organization that submitted the application:

25 (A) violated a statute or commission rule, order,
26 license, certificate, or permit that relates to safety or the
27 prevention or control of pollution; or

1 (B) is under investigation by a state or federal
2 agency for an alleged violation of a statute or commission rule,
3 order, license, certificate, or permit that relates to safety or
4 the prevention or control of pollution;

5 (2) the violation or alleged violation described by
6 Subdivision (1) relates to an uncontrolled release from an oil or
7 gas well of a substance that substantially endangered human health
8 or the environment; and

9 (3) the well that is the subject of the application is
10 proposed to be drilled at a site adjacent to the site of the
11 violation or alleged violation described by Subdivision (1).

12 (c) An organization has committed a violation for purposes
13 of Subsection (b)(1)(A) of this section if the circumstances
14 described by Section 91.114(b) have been met with respect to the
15 violation.

16 (d) The commission may adopt rules if necessary to establish
17 criteria for determining whether a site is adjacent to another site
18 for the purposes of this section.

19 (e) The commission may approve the application if:

20 (1) the conditions that constituted the violation have
21 been corrected;

22 (2) the organization has paid all administrative,
23 civil, and criminal penalties and all cleanup and plugging costs
24 incurred by the state relating to those conditions; and

25 (3) the application is in compliance with all other
26 requirements of law and commission rules.

27 (f) If an application is rejected under this section, the

1 commission shall provide the organization with a written statement
2 explaining the reason for the rejection.

3 (g) Notwithstanding Subsection (b), the commission may
4 issue a permit to drill an oil or gas well to an organization
5 described by Subsection (b) for a term specified by the commission
6 if the permit is necessary to remedy a violation of law or
7 commission rules.

8 (h) A fee tendered in connection with an application that is
9 rejected under this section is nonrefundable.

10 SECTION 2. Section 91.120, Natural Resources Code, as added
11 by this Act, applies only to an application for a permit to drill an
12 oil or gas well filed with the Railroad Commission of Texas on or
13 after the effective date of this Act. An application for a permit
14 filed before the effective date of this Act is governed by the law
15 in effect on the date of filing, and that law is continued in effect
16 for that purpose.

17 SECTION 3. This Act takes effect September 1, 2019.